

12 APR 2005



UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Shahan Islam
Rosenman & Colin LLP
575 Madison Avenue
New York NY 10022

In re Application of : DECISION ON
Hartmut Schon :
Application No.: 09/849,678 :
Filing Date: 15 March 2005 : PETITION UNDER
Attorney's Docket No.: 20093 :
For: APPARATUS FOR THE PROVISION :
... FLUIDIZED BED REACTORS :

This is in response to "PETITION PURSUANT TO 37 CFR 1.137(b) TO REVIVE APPLICATION FOR FILING OF CONTINUATION APPLICATION" filed on 15 March 2005.

Applicant's petition under 37 CFR 1.137(b) filed 15 March 2005 to revive international application PCT/EP99/08001 abandoned under 35 U.S.C. 371(d) is hereby **DISMISSED** as to the National stage in the United States of America as follows:

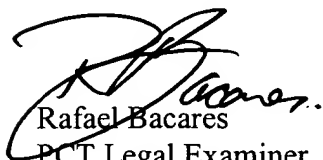
On 27 October 1999, a Demand electing the United States was filed in this international application. International application PCT/EP99/08001 became abandoned as to the United States of America at midnight on 07 May 2001 for failure to pay the basic national fee. The filing of the present continuing application under 35 U.S.C. 111 is not accepted as the appropriate response under 37 CFR 1.137(b) (See MPEP § 711.03(c)) because applicant will need to have the application co-pending under 37 CFR 1.78 to claim benefit to the international application.

A proper statement under 37 CFR 1.78 for co-pendency would be "this application is a continuation (instead of National stage) of International Application No.: PCT/EP99/08001, filed October 27, 1999, which claims priority to a German Application No. 198 51 423.9, filed November 7, 1998 in the first page of the specification.

For reasons above, the petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.137(b) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Failure to timely submit the proper reply will result in abandonment of the application. Any reconsideration request should include a cover letter entitled "Second Renewed Petition Under 37 CFR 1.137(b)."

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

A handwritten signature in black ink, appearing to read 'R. Bacares', is written over the printed name.

Rafael Bacares

PCT Legal Examiner

PCT Legal Office

Telephone: (571) 272-3276

Facsimile: (571) 273-0459